

JOURNAL OF THE HOUSE.

Thursday, July 12, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, in Whom we place our trust and hope, we pause for this moment to focus our attention on You, our personal priorities and goals and on our values, both human and spiritual. In addressing the items on today's calendar and our personal agenda, help us to make the best and the most ethical and fair legislative and personal decisions. Inspire us, as elected leaders, to encourage and motivate all people to use their talents in a productive manner for both self-improvement and for the benefit of the community. We believe that Your assistance helps us in our process of building a stable, respectful and civil society.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayers.

U.S. Army
Captain
Anthony Palermo
Jr.

At the request of Representatives Creedon of Brockton, Kennedy of Brockton and Canavan of Brockton, the members, guests and employees stood for a moment of silent prayer in memory of U.S. Army Captain Anthony Palermo Jr., who, at the age of twenty-six, died on Friday, April 6, when an improvised explosive device detonated near his vehicle during combat operations.

U.S. Army
Staff Sergeant
Daniel A.
Newsome.

At the request of Mr. Wagner of Chicopee, the the members, guests and employees stood for a moment of silent prayer in memory of U.S. Army Staff Sergeant Daniel A. Newsome, who, at the age of twenty-seven, died on Wednesday, June 27, as a result of injuries sustained during the mission supporting Operation Iraqi Freedom in Baghdad, Iraq.

Message from the Governor.

Southampton,
town election.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town election held in the town of Southampton (House, No. 4149) was filed in the office of the Clerk on Wednesday, July 11.

THURSDAY, JULY 12, 2007.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

Resignation of Representative Petrucci of Boston.

The following communication, received by the Clerk from the office of the Speaker, on Monday, July 2, 2007, was read for the information of the House; and placed on file.

June 28, 2007.

The Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 — State House
Boston, MA 02133

Dear Mr. Speaker:

Please accept this letter as my notice of resignation from the Massachusetts House of Representatives effective 1:00 P.M. on July 11, 2007.

Resignation of
Representative
Petrucci of
Boston.

I would also like to take this time to thank you for your friendship and leadership during my tenure in the House of Representatives. Although it saddens me to leave this wonderful institution, I welcome the opportunity of serving in the Massachusetts State Senate.

I look forward to our continued relationship in serving the people of the Commonwealth.

Sincerely,

ANTHONY PETRUCCI,
State Representative.

Statement Concerning Representative Atkins of Concord.

A statement of Mr. Rogers of Norwood concerning Ms. Atkins of Concord, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Atkins of Concord, will not be present in the House Chamber for today's sitting due to a long-standing previously scheduled medical appointment. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Atkins of
Concord.

Statement Concerning Representative Linsky of Natick.

A statement of Mr. Rogers of Norwood concerning Mr. Linsky of Natick, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Linsky of Natick, will not be present in the House Chamber for today's sitting due to a long-standing previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Linsky of
Natick.

Statement of Representative Scibak of South Hadley.

A statement of Mr. Scibak of South Hadley, was spread upon the records of the House, as follows:

Statement of
Representative
Scibak of
South Hadley.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to previously scheduled official business. If I were able to be present for the anticipated roll call on passing to be enacted the engrossed Bill amending the law providing incentives to the motion picture industry (see House, No. 4084), I would vote in the affirmative. Any roll calls that I may miss today will be due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

151st Regional
Support Group.

Resolutions (filed by Ms. Peisch of Wellesley and other members of the House) honoring the 151st Regional Support Group of the Massachusetts Army National Guard; and

Jack Anthony
Washington.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Jack Anthony Washington of Wrentham upon his elevation to the rank of Eagle Scout;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rodrigues of Westport, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Public Safety,
physical fitness
standards.

A communication from the Human Services Division of the Executive Office for Administration and Finance (under the provisions of section 61A of Chapter 31 of section 5 (3) (e) of Chapter 32 of the General Laws) submitting revisions to regulations for initial medical and physical fitness standard tests of municipal public safety personnel (House, No. 4133) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Communications

Gay and
Lesbian
Youth.

From the Commission on Gay and Lesbian Youth (established pursuant to section 67 of Chapter 3 of the General Laws, as most recently amended by section 129 of Chapter 139 of the Acts of 2006) submitting a list of the members of said commission to be sworn in on January 2008;

Norfolk County
Registry of
Deeds.

From the Norfolk County Registry of Deeds (under the provisions of section KKK of chapter 29 of the General Laws) submitting an initial plan for technological improvements as said registry; and

Executive
Office of
Transportation.

From the Executive Office of Transportation (under the provisions of 6000-0100 of Chapter 139 of the Acts of 2006) submitting copies of several quarterly and special reports, including STIP funding, Chapter 90 PWED fund and certain payroll reports;

Severally placed on file.

*Annual and Special Reports.**Annual reports*

Of the Commissioner of Banks (under the provisions of section 13 of chapter 167 of the General Laws) containing a statement of the condition of state-charted co-operative banks in the Commonwealth for the calendar year 2005;

Commissioner
of Banks.

Of the Massachusetts Life Insurance Community Investment Initiative (under the provisions of Section 2G of Chapter 259 of the Acts of 1998) for the calendar year 2006;

Life Insurance
Community
Investment
Initiative.

Of the Property and Casualty Initiative (under section 3 of chapter 259 of the acts of 1998) for the fiscal year 2006; and

Property and
Casualty
Initiative.

Of the Public Employee Retirement Administration Commission (PERAC) (under paragraph (a) of subsection 5 of section 21 of chapter 32 of the General Laws) for the year ending December 31, 2006;

Public Employee
Retirement.

A monthly report of the Division of Unemployment Assistance (under the provision of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for April and May 2007;

Division of
Unemployment
Assistance.

Reports

Of Water Resources Commission (pursuant to the provisions of Section 8C of Chapter 21 of the General Laws and 313 CMR 4.06(3)) submitting a copy of its decision for approval under the Interbasin Transfer Act request from Avalon Bay Company for a proposed connection from the town of Sharon to the Massachusetts Water Resources Authority sewerage system through the town of Norwood;

Water
Resources
Commission.

Of the Massachusetts Housing and Shelter Alliance (under the provisions of item 4406-3010 contained in section 2 of chapter 139 of the Acts of 2006) on Home and Healthy for Good, a statewide pilot first housing program; and

Housing
and Shelter
Alliance.

Severally were placed on file.

Petitions.

The following petitions (having been returned by the State Secretary, under the provisions of Chapter 3 of the General Laws, with letters relative thereto):

Petition (accompanied by bill, House, No. 3998) of William Smitty Pignatelli that the Department of Agricultural Resources be directed to grant a water supply permit to Daniel and Martha Tawczynski.

Daniel and
Martha
Tawczynski.

Petition (accompanied by bill, House, No. 4003) of Brian P. Wallace and Thomas M. Menino that the Department of Environmental Management grant licenses to the Boston Redevelopment Authority to construct, maintain, and repair certain structures shown in the Fort Point Channel Watersheet Activation Plan.

Fort Point
Channel.

Severally were placed on file, in accordance with Joint Rule 9.

Petitions severally were presented and referred as follows:

By Mr. Barrows of Mansfield, joint petition (accompanied by bill, House, No. 4134) of James E. Timilty and F. Jay Barrows (by vote of the town) that the town of Foxborough be authorized to grant

Foxborough,
alcoholic
beverages.

Tewksbury,
cemetery
land.

three additional licenses for the sale of alcoholic beverages within the Chestnut Green development area. To the committee on Consumer Protection and Professional Licensure.

By Mr. Finegold of Andover, joint petition (accompanied by bill, House, No. 4135) of Barry R. Finegold, Susan C. Tucker and James R. Miceli (by vote of the town) that the town of Tewksbury be authorized to lease certain land for cemetery or recreation purposes;

Tyngsborough,
recreation
fund.

By Miss Garry of Dracut, joint petition (accompanied by bill, House, No. 4136) of Colleen M. Garry and Steven C. Panagiotakos (by vote of the town) that the town of Tyngsborough be authorized to establish a fund for the maintenance and repair of recreational fields in said town;

Pittsfield,
health
insurance.

By Mr. Speranzo of Pittsfield, joint petition (accompanied by bill, House, No. 4137) of Christopher N. Speranzo and Benjamin B. Downing (with the approval of the mayor and city council) relative to health insurance benefits for retired employees of the city of Pittsfield; and

North Andover,
town
manager.

By Mr. Torrisi of North Andover, petition (accompanied by bill, House, No. 4138) of David M. Torrisi and others (by vote of the town) relative to the appointment, suspension and removal of police officer by the town manager in the town of North Andover;

Severally to the committee on Municipalities and Regional Government.

North Adams,
Leo Senecal.

By Mr. Bosley of North Adams, petition (accompanied by bill, House, No. 4139) of Daniel E. Bosley (with the approval of the mayor and city council) relative to the retirement of Leo Senecal, an employee of the city of North Adams;

Arlington,
retirement funds.

By Mr. Kaufman of Lexington, joint petition (accompanied by bill, House, No. 4140) of Jay R. Kaufman and others (by vote of the town) that the town of Arlington be authorized to extend the retirement system funding schedule and providing for the deposit of certain funds into the post-employment benefit trust fund of said town;

Arlington,
Brendan
Gormley.

By the same member, joint petition (accompanied by bill, House, No. 4142) of Jay R. Kaufman and others (by vote of the town) for legislation to authorize Brendan Gormley to take the civil service test for the position of fire fighter in the town of Arlington; and

Kevin
Farragher, fire-
fighter.

By Mr. Torrisi of North Andover, petition (accompanied by bill, House, No. 4143) of David M. Torrisi and others (by vote of the town) that Kevin Farragher of the town of North Andover be authorized to take a civil service examination for the position of police officer in said town, notwithstanding the maximum age requirements;

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Homelessness,
study.

Mr. Rushing of Boston presented a petition (subject to Joint Rule 12) of Byron Rushing and others relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study of homelessness in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported

recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rushing, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by resolve) was referred to the committees on Rules of the two branches, acting concurrently. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred, Mr. Scaccia, for said committee on Rules of the two branches, acting concurrently, then reported on the foregoing petition, a Resolve reviving and continuing the commission to end homelessness in the Commonwealth (House, No. 4151). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rushing, the resolve was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act Reviving and continuing and increasing the scope of the special commission relative to ending homelessness in the Commonwealth." Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Ayers of Quincy, petition (subject to Joint Rule 12) of Bruce J. Ayers for legislation to exempt active duty military personnel from paying taxes on income from military payments.

Military,
income tax
exemption.

By Ms. Callahan of Sutton, joint petition (subject to) of Jennifer M. Callahan (by vote of the town) that the town of Bellingham be authorized to establish certain revolving funds.

Bellingham,
revolving
funds.

By the same member, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to increase the amount of awards for personal injuries or property due to defective public ways.

Public ways,
defective.

By the same member (by request), petition (subject to Joint Rule 12) of and Citizen relative to the classifications of risks and premium charges under the motor vehicle insurance laws.

Motor
vehicles,
insurance.

By Mr. Correia of Fall River, petition (subject to Joint Rule 12) of Robert Correia that the Executive Office of Elder Affairs be authorized to provide for a monthly personal needs allowance for certain elderly persons.

Elderly,
personal need
allowance.

By Mr. Falzone of Saugus, joint petition (subject to Joint Rule 12) of Mark V. Falzone and others for legislation to dedicate a certain bridge over Route 1 in the town of Saugus as the Cpl. Scott J. Procopio Saugus American Legion Post 210 Bridge.

Saugus,
Corporal
Procopio
Bridge.

By Mr. Finegold of Andover, joint petition (subject to Joint Rule 12) of Barry R. Finegold and Susan C. Tucker for legislation to establish a sick leave bank for Colleen Hannon, an employee of the Middlesex County Division of the Juvenile Court.

Colleen
Hannon,
sick leave.

By Ms. Flanagan of Leominster, joint petition (subject to Joint Rule 12) of Jennifer L. Flanagan and Robert A. Antonioni that the State Board of Retirement be directed to grant certain credit to Joseph Rappa, an employee of the Office of Educational Quality Accountability.

Joseph
Rappa,
creditable
service.Gangs,
injunctions.

By Mr. O'Flaherty of Chelsea, joint petition (subject to Joint Rule 12) of Eugene L. O'Flaherty and Robert S. Creedon, Jr., relative to the filing of anti-gang injunctions in the courts of the Commonwealth.

Mary
Hardiman, sick
leave.

By Mr. Stanley of Waltham, petition (subject to Joint Rule 12) of Thomas M. Stanley and Tom Sannicandro for legislation to establish a sick leave bank for Mary Hardiman, an employee of the Department of Public Health.

Severally, under Rule 24, to the committee on Rules.

Recess.

Recess.

At half past eleven o'clock A.M., on motion of Mr. Verga of Gloucester (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty minutes before two o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Norwood,
park land.

Papers from the Senate.

The engrossed Bill authorizing the conveyance of certain parcels of land (see House, No. 3753) came from the Senate with an amendment inserting after section 1 the following two sections:

"SECTION 1A. As a condition of the conveyance authorized in section 1, the town of Norwood shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for the general municipal purposes to the conservation commission and such parcel shall be dedicated for conservation purposes. If no suitable parcel can be transferred to the conservation commission, the town shall grant a conservation restriction to the conservation commission on a parcel of land under the care, custody, management and control of the board of selectmen for general municipal purposes. Any parcel dedicated pursuant to this section, shall be of equal or greater size and value to the portion of the parcel described in section 1.

SECTION 1B. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert back to the town of Norwood for public park purposes."

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Motion
picture
industry.

The House Bill amending the law providing incentives to the motion picture industry (House, No. 4084, amended) came from the Senate with the endorsement that said branch had concurred with the House in its further amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4130) with a still further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2288).

Under suspension of Rule 35, on motion of Mr. Binienda of Worcester, the still further amendment (having been reported by the

committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Municipal
health
insurance.

The House Bill to promote quality and affordable municipal health insurance through the Group Insurance Commission (House, No. 4110) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2278; and striking out the emergency preamble and inserting in place thereof the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide affordable health insurance coverage for cities and towns, therefore it is hereby declared to be an emergency law, necessary to the immediate preservation of the public convenience."

Under suspension of Rule 35, on motion of Mr. Kaufman of Lexington, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Representatives DeLeo of Winthrop, Kaufman and Kaprielian of Watertown then moved that the House concur with the Senate in its amendments further amendments by striking out section 3A and inserting in place thereof the following section:

"SECTION 3A. Said chapter 32A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:—

Section 3. There shall be established within the executive office of administration and finance, but not under its jurisdiction, a special unpaid commission, to be known as the group insurance commission, consisting of the commissioner of administration and finance, the commissioner of insurance, and 11 members to be appointed by the governor, 1 of whom shall be a retired state employee, 1 of whom shall be a health economist, and at least 3 of whom shall be full time state employees, of whom 1 of whom shall be a member of the Massachusetts Public Employees Council, #93, AFSCME, Massachusetts State Labor Council, AFL-CIO, 1 of whom shall be a member of the Massachusetts State Employees Association, NAGE, and 1 of whom shall be a member of Local 254, S.E.I.U., 1 of whom shall be a management representative appointed from a list of 3 representatives nominated by the Massachusetts Municipal Association, and 1 of whom shall be a labor representative appointed from a list of 3 representatives nominated by the president of the teachers' union with the greatest amount of active and retired members enrolled in commission health plans. In addition, upon the transfer of 45,000 subscribers from municipal governmental units to the group insurance commission pursuant to section 19 of chapter 32B, there shall be an additional management representative appointed by the governor from a list of 3 representatives nominated by the Massachusetts Municipal Association and an additional labor representative appointed by the governor from a list of 3 representatives of municipal public safety employees nominated by the president of the Massachusetts Chapter of the AFL-CIO for a total of 13 members appointed by the governor. Whenever an organization nomi-

Municipal
health

insurance.

nates a list of representatives for appointment by the governor under this section, the organization may nominate additional candidates if the governor declines to appoint any of those originally nominated. Not more than 55 per cent of the appointive members of the commission shall be members of the same political party. No member appointed by the governor shall be an insurance agent, broker, employee or officer of any insurance company. Upon the expiration of the term of office of any appointive member, his successor shall be appointed in like manner for a term of 3 years. The commission shall be provided with suitable offices and may, subject to appropriation, incur expenses and appoint an executive director who shall be the executive and administrative head thereof and who shall not be subject to the provisions of chapter 31. The commission may empower the executive director to appoint such employees as may be necessary to administer the provisions of this chapter. There shall be paid by the commonwealth to each appointive member of said commission the necessary expenses actually incurred in the discharge of his official duties. The commission shall adopt such reasonable rules and regulations as may be necessary for the administration of this chapter and shall make an annual report to the governor and to the general court which shall include any modifications or amendments made to contracts executed under this chapter and shall be in such form as to enable employees to understand the benefits available from the insurance program, including the cost thereof.”; in section 4, at the end of subsection (f), by adding the following sentence: “Any such administrative fee charged pursuant to this section shall be deposited in a retained revenue account and shall be used by said commission to pay any personnel or other costs associated with the administration of municipal insurance health coverage pursuant to the provisions of this section.”, and by adding at the end of said section the following subsection:

“(i) In the absence of a public collective bargaining unit, the chief executive officer of a municipality may authorize the transfer of subscribers to the commission.”; and by striking out section 6A.

After debate the further amendments were adopted. The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendments.

Subsequently the bill came from the Senate with the endorsement that said branch had concurred with the House in its further amendments with a still further amendment in section 4, at the end of subsection (f), by striking out the sentence previously inserted by further amendment by the House.

Under suspension of the rules, on motion of Mr. Scaccia of Boston, the still further amendment was considered forthwith; and it was adopted, in concurrence.

Pension
fund
investment.

The House Bill to reduce the stress on local property taxes through enhanced pension fund investment (House, No. 4125) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in lines 4, 5 and 6, striking out the sentence contained therein and inserting in place thereof the following two sentences: “The commission shall annually review the investment performance

and funded ratio of all systems using data compiled as of January 1 of the year in which said review occurs. If, on or before July 1 the funded ratio data as of January 1 is not available, the most recent data shall be used.”;

In lines 18, 19 and 20, striking out the sentence contained therein and inserting in place thereof the following two sentences: “A transfer and control of a system’s assets pursuant to this paragraph shall continue until the system’s funded ratio exceeds 65 per cent and the system has participated in the PRIT Fund for at least 5 years. At that time, the system may then exercise the procedures for revocation in accordance with paragraph (c).”, in lines 45 to 51, inclusive, striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“A system ordered by the commission to transfer its assets under this section may appeal for an exemption to a 5-member review board which shall consist of the executive director of the PRIM board or his designee, the secretary of administration and finance or his designee, a member selected by the state treasurer from a list of 3 names submitted by the Massachusetts Association of Contributory Retirement Systems, 2 members of municipal employee unions to be appointed by the governor, 1 of whom shall be a member of the Professional Firefighters Association of Massachusetts. The system shall file written notice of its appeal with the secretary of administration and finance not later than 30 days after receiving the commission’s order to transfer its assets. The review board may establish rules for its own procedure, but such rules shall not be required to comply with chapter 30A. The review board may grant an exemption from the transfer requirement of this section if its rate of return has exceeded the PRIT Fund rate of return for the previous 2 years or if the system’s rate of return was affected by other extenuating circumstances. The review board may also consider the system’s management costs, its risk return ratio and any other factors it deems appropriate. The grant of an exemption shall require the concurrence of at least 4 of the 6 members or their designees. A system may seek judicial review of the review board’s decision to deny an exemption in the manner provided in section 14 of chapter 30A.”;

Inserting after section 2 the following section:

“SECTION 3. Paragraph (g) of subdivision (2) of section 23 of said chapter 32, as so appearing, is hereby amended by striking out clauses (ii) and (iii).”;

In section 3 (as printed), in lines 1 to 6, inclusive, striking out the sentence contained therein and inserting in place thereof the following two sentences: “Notwithstanding any general or special law to the contrary, pursuant to section 2, the public employee retirement administration commission established pursuant to section 49 of chapter 7 of the General Laws shall review the investment performance and funded ratio of all systems using data compiled as of January 1, 2007. If an updated actuarial valuation is not completed by October 1, 2007, the most recent valuation completed shall be used.”;

Striking out section 4 (as printed) and inserting in place thereof the following section:

Pension
fund

investment.

“SECTION 5. Notwithstanding any general or special law to the contrary, a pension system established pursuant to chapter 32 or chapter 34B of the General Laws that would be deemed underperforming under paragraph (c1/2) of subdivision (8) section 22 of said chapter 32 may voluntarily transfer ownership and control of all of its assets to the PRIM board, established pursuant to section 23 of said chapter 32. The decision to voluntarily transfer ownership and control of all of its assets to the PRIM board shall be made by the retirement board of each system, subject to the approval of the board of selectmen in a town, the mayor in a city, the city manager in a city with Plan D or Plan E form of government, the county commissioners in a county and, for a regional system, subject to the approval of the regional retirement board advisory council. After the decision to participate has been approved, the decision to participate shall not be revoked for 5 years. A system that would be deemed underperforming pursuant to said paragraph (c1/2) choosing to exercise its right to voluntarily transfer its assets pursuant to this section shall transfer its assets before October 1, 2007.”;

Inserting after section 5 (as printed) the following two sections:

“SECTION 6. Notwithstanding any general or special law to the contrary, the public employee retirement administration commission shall provide each local contributory retirement system with a memorandum providing the financial position of the system in regard to the mandatory transference of assets required under section 22 of chapter 32 of the General Laws. The commission shall provide the memorandum to each system on January 1 and July 1 of each year.

SECTION 7. Notwithstanding any general or special law to the contrary, local retirement boards shall consider the annual cost-of-living adjustments to be a priority.”; and

Striking out section 6 (as printed) and inserting in place thereof the following section:

“SECTION 9. Sections 1, 2, 3 and 5 shall take effect on October 1, 2007.”.

Under suspension of Rule 35, on motion of Mr. DeLeo of Winthrop, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Mr. DeLeo and other members of the House then moved that the House concur with the Senate in its amendments with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document 4154.

The further amendment was adopted. The House then concurred with the Senate in its amendments, as amended. Sent to the Senate for concurrence in the further amendment.

A report of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of M.C.I. Concord, in the town of Concord, was spread upon the records of the House; and returned to the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2277) of Marian Walsh and John H. Rogers (by vote of the town) for legislation

M.C.I.
Concord,
inspection.Norwood,
contract
termination.

relative to the financing of a contract termination charge by the town of Norwood; and

Petition (accompanied by bill, Senate, No. 2287) of Marc R. Pacheco and Susan W. Gifford (by vote of the town) for legislation to establish a community events fund for the town of Wareham;

Severally to the committee on Municipalities and Regional Government.

Wareham
fund.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Needham,
land
exchange.

Petition (accompanied by bill) of Lida E. Harkins that the Division of Capital Asset Management and Maintenance and BMI Realty Trust be authorized to exchange certain parcels of land located in the town of Needham. To the committee on Bonding, Capital Expenditures and State Assets.

Linda
Supernor,
sick leave.

Petition (accompanied by bill) of George N. Peterson, Jr., that the Department of Revenue be authorized to establish a sick leave bank for Linda M. Supernor, an employee of said department. To the committee on Public Service.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Mariano of Quincy, for the committee on Financial Services, asking to be discharged from further consideration

Artists,
health
care.

Of the petition (accompanied by bill, House, No. 3936) of Eric Turkington and others for legislation to provide access for certain workers, including artists, for health care insurance,— and recommending that the same be referred to the committee on Health Care Financing;

Day care,
lead paint.

Of the petition (accompanied by bill, House, No. 803) of Brooke Loughlin and others relative to providing for a lead paint abatement program for family day care homes,— and recommending that the same be referred to the committee on Public Health; and

Businesses,
non-tax
benefits.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3227) of George N. Peterson, Jr., and Bradley H. Jones, Jr., relative to assertions by taxpayers of evidence of certain non-tax business benefits under the administrative provisions of the tax laws,— and recommending that the same be referred to the committee on Revenue.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Worcester,
elections.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the administration of the city of Worcester (House, No. 4131) [Local Approval

Worcester,
elections.

Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Pedone, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill was read a third time, its title having been changed by the committee on Bills in the Third Reading to read: "An Act relative to elections in the city of Worcester."

Said committee reported recommending that it be amended by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Notwithstanding any general or special law or the charter of the city of Worcester to the contrary, the city clerk of the city of Worcester shall provide administrative and operational support to the board of election commissioners of the city.

SECTION 2. All actions taken by the city of Worcester in relation to section 1 on or after June 19, 2007 are hereby ratified, validated and confirmed.

SECTION 3. This act shall take effect as of June 19, 2007.

SECTION 4. This act shall take effect upon its passage."

The amendment was adopted; and the bill (House, No. 4131, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Donna Townner, an employee of the Trial Court (House, No. 4114). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Polito of Shrewsbury, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Mariano of Quincy, for the committee on Financial Services, on Senate, No. 641 and House, No. 914, a Bill to establish consumer choice in automobile insurance (House, No. 914, changed in section 5, in line 6 by inserting the following two paragraphs:

"A full personal injury protection insured who is involved in an accident with an insured covered under either hybrid personal injury protection or full personal injury protection retains the right based on fault to claim from that other insured for uncompensated economic loss (and not for noneconomic loss).

A hybrid personal injury protection insured who is involved in an accident with an insured covered under full personal injury protection retains the right based on fault to claim from that other insured for uncompensated economic loss.") [Representatives Galvin of Canton and Barrows of Mansfield dissenting].

Donna Townner,
sick leave.

Motor
vehicle
insurance.

Insurance
policies,
fraud.
Seniors,

By the same member, for the same committee, on a petition, a Bill relative to preventing fraud (House, No. 939).

By the same member, for the same committee, on Senate, No. 574 and House, No. 975, a Bill relative to exempting seniors from certain bank fees (House, No. 975).

By the same member, for the same committee, on a petition, a Bill relative to the investment of reserves by dental service corporations (House, No. 1042).

By the same member, for the same committee, on Senate, Nos. 604 and 645 and House, No. 3934, a Bill relative to the physician credentialing process (House, No. 4145).

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill increasing public safety by increasing access to addiction treatment (House, No. 1897).

By the same member, for the same committee, on a petition, a Bill relative to substance abuse treatment (House, No. 1906).

By the same member, for the same committee, on a petition, a Bill to amend the Commonwealth's drug treatment program to allow for the diversion of low-level offenders under court supervision (House, No. 1912).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Mariano of Quincy, for the committee on Financial Services, on Senate, No. 640 and House, No. 916, a Bill to establish a special commission to research the benefits of competition for our current automobile insurance rating system, and methods of incorporating such benefits (House, No. 916). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 25, a Bill authorizing the lease of land to yacht clubs (House, No. 4152).

By the same member, for the same committee, on House, No. 4083, a Bill extending certain capital spending authorizations (House, No. 4153).

By Mr. Mariano of Quincy, for the committee on Financial Services, on a petition, a Bill establishing milk revenue insurance (House, No. 968).

By the same member, for the same committee, on a petition, a Bill relative to confidentiality of documents of the Division of Banks (House, No. 1029).

By the same member, for the same committee, on a petition, a Bill establishing uniform enforcement provisions and making other changes applicable to certain licensees under the jurisdiction of the Division of Banks (House, No. 1030).

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill relative to the cigarette excise tax stamping allowance (House, No. 2979).

bank fees.

Dental
corporations,
investments.

Physician
credentialing
process.

Addiction
treatment,
access.

Opiate
addiction,
treatment.

Drug
offenders,
low level.

Motor
vehicle
insurance,
study.

Yacht
clubs,
land.

Capital spending.

Milk
revenue
insurance.

Banks
division,
documents.

Bank
licensees,
regulate.

Cigarette
tax.

Cigarette
tax.

By the same member, for the same committee, on a petition, a relative to the taxation of cigarettes and other tobacco products (House, No. 4033).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Loan
applications.

Foxborough,
alcoholic
beverages
licenses.

Salem,
liquor
license.

Canton,
Pushard
Field.

State
Employees
Credit Union.

Credit unions,
insurance.

Credit
unions.

Identity
theft.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on House, No. 3925, a Bill relative to the confidentiality of loan applications (House, No. 4146).

By the same member, for the same committee, on House, No. 4069, a Bill authorizing the town of Foxborough to grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4147) [Local Approval Received].

By the same member, for the same committee, on House, No. 4070, a Bill relative to additional liquor license in the city of Salem (House, No. 4148) [Local Approval Received].

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill designating a certain parcel of land in the town of Canton as the Clyde S. Pushard Field (House, No. 750).

By Mr. Mariano of Quincy, for the committee on Financial Services, on a petition, a Bill relative to the Massachusetts State Employees Credit Union (House, No. 1015).

By the same member, for the same committee, on a petition, a Bill relative to the sale of insurance by credit unions (House, No. 1016).

By the same member, for the same committee, on a petition, a Bill relative to the operation and governance of credit unions (House, No. 1068).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Petrolati of Ludlow being in the Chair,—

By Mr. Rodrigues of Westport, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2236; and striking out the title and inserting in place thereof the following title: “An Act relative to security freezes and notification of data breaches.”) to the House Bill relative to the protection of personal information (House, No. 4018) reported a Bill relative to the protection of personal information (House, No. 4144). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the report (having been approved by the committees on Bills in the Third Reading) was considered forthwith.

Pending the question on acceptance of the report of the committee of conference, Mr. Scibak of South Hadley asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of

Quorum.

Quorum,
yea and nay

Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum. No. 116.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance.

[See Yea and Nay No. 116 in Supplement.]

Therefore a quorum was present.

After debate on the question on acceptance of the report of the committee of conference the sense of the House was taken by yeas and nays, at the request of Mr. Rodrigues of Westport; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 117 in Supplement.]

Therefore the report of the committee of conference was accepted. The report then was sent to the Senate for concurrence.

Report of
committee of
conference
accepted,
yea and nay
No. 117.

Recess.

Recess.

At a quarter after three o'clock P.M., on motion of Ms. St. Fleur of Boston (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of four o'clock; and at that time the House was called to order with Mr. Petrolati in the Chair.

Norwood,
park land.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the conveyance of certain parcels of land (see House, No. 3753, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 118 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted (land
taking), yea and
nay
No. 118.

Motion
picture
industry.

Emergency Measure.

The engrossed Bill amending the law providing incentives to the motion picture industry (see House, No. 4084, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 45 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Bill passed
to be
enacted,
yea and nay
No. 119.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 148 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 119 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Wellesley,
land.

Orders of the Day.

The engrossed Bill authorizing the town of Wellesley to convey a certain parcel of land (see House, No. 3954), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4126), was considered.

The amendment recommended by the Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

In section 2, by adding at the end thereof the following two sentences: "The board of selectmen shall determine whether the market value of this parcel is equal to or greater than the full and fair market value of the property described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal. If there is a disparity in these values in favor of the grantee, the grantee shall pay a sum equal to the difference to the town of Wellesley for deposit in its open space fund or otherwise dedicated to open space preservation.".

Sent to the Senate for concurrence.

The House Bill protecting patient confidentiality (House, No. 1315) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

Senate bills

Authorizing the town of Lunenburg to exchange certain land (Senate, No. 1145); and

Relative to municipal real estate tax notices (Senate, No. 1691); and

House bills

Providing for behavioral science representation on the Parole Board (House, No. 1314);

Regarding Licensing Board salaries in the city of Boston (House, No. 2012);

Providing that certain physical conditions shall be presumed to have been suffered in the line of duty (House, No. 2578);

To provide local property tax relief to nonprofit veteran organizations (House, No. 3045);

Honoring Massachusetts African Americans (House, No. 3193, changed);

To authorize the town of Natick to borrow a certain sum of money (House, No. 3969);

Second
reading
bills.

Authorizing the city of Gardner to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4016); and

Authorizing the town of Burlington to issue eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises, and two additional licenses for the sale of wine and malt beverages to be drunk on the premises (House, No. 4048);

Severally were read a second time; and they were ordered to a third reading.

House
report.

The House report of the committee on Tourism, Arts and Cultural Development, ought NOT to pass, on the petition (accompanied by bill, House, No. 3774) of Brian P. Wallace and Stephen Stat Smith relative to promoting film, television and commercial productions in the Commonwealth, was accepted.

Boston
University.

The Senate Bill relative to the founders of Boston University (Senate, No. 2163) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, in concurrence, it was referred, on motion of Mr. Scaccia of Boston, to the committee on Rules.

Reports of Committees.

Mr. Golden of Lowell being in the Chair,—

By Mrs. Haddad of Somerset, for the committee on Education, that the recommended Bill relative to the use of certain school building assistance program reimbursements to the city of Medford (House, No. 4096, changed) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House, the question being on passing the bill to be engrossed.

Under suspension of the Rule 7A, on motion of Mr. Donato, the bill was considered forthwith.

Pending the question on passing the bill to be engrossed, the same member moved to amend it by striking out section 2 (as previously changed by the committee on Education) and inserting in place thereof the following section:

"SECTION 2. The city shall restore any amount appropriated under this act to the reserved grant funds by fiscal year 2014 by making annual payments of equal increments in each fiscal year beginning in fiscal year 2009. The city shall notify the commissioner of revenue of said annual payments provided, however that if such payments are not equal to or in excess of the amount necessary to achieve full restoration on such annual payment schedule by fiscal year 2014, the state treasurer shall deduct from Medford's total state school aid, as defined in section 2 of chapter 70 of the General

Medford,
school
funds.

Medford,
school
funds.

Laws, sufficient funds to make such payments and deposit said funds in the reserved grant fund. If the city pays in excess of the required incremental payment then such excess shall carry over and apply to the next fiscal year payment. the amount to be repaid shall not include amounts paid by the city of Medford for debt service on the repair project that would have been funded by the reserve in fiscal years 2008, 2009, 2010, 2011, 2012, and 2013 if transfers had not been made under section 1 of this act.”.

The amendment was adopted; and the bill (House, No. 4096, changed and amended) was passed to be engrossed. Sent to the Senate for concurrence.

Frances
Berghaus,
sick leave.

Emergency Measure.

Mr. Donato of Medford being in the Chair,—

The engrossed Bill establishing a sick leave bank for Frances Berghaus, an employee of the Department of Correction (see House, No. 3758), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Bill
enacted.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 26 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed Bills.

Engrossed bills

Relative to the fines for illegal dumping in the city of Fitchburg (see House, No. 3939, amended); and

Relative to security freezes and notification of data breaches (see House, No. 4144);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Rehoboth,
agricultural
preservation.

The engrossed Bill establishing the Rehoboth agricultural and natural resources preservation council (see House, No. 2032), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. D’Amico of Seekonk moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 6. This act shall take effect upon its passage.”.

The amendment was adopted. Sent to the Senate for concurrence.

Next
sitting.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at sixteen minutes after five o’clock P.M., on motion of Mr. Golden of Lowell (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o’clock A.M., in an Informal Session.